

WARRICK COUNTY AREA PLAN COMMISSION

Regular meeting held in Commissioners Meeting Room,
Third Floor, Historic Court House,
Boonville, IN
Monday, May 11, 2015, 6:00 PM

PLEDGE OF ALLEGIANCE: A moment of silence was held followed by the Pledge of Allegiance.

MEMBERS PRESENT: Jeff Valiant, Vice President, Bill Byers, Jeff Willis, Brad Overton, Amanda Mosiman, and Richard Reid.

Also present were Morrie Doll, Attorney; Sheila Lacer, Assistant Director; Jamie Key, and Molly MacGregor Staff.

MEMBERS ABSENT: Guy Gentry

Roll call was taken and a quorum declared present.

MINUTES: Upon a motion made by Bill Byers and seconded by Brad Overton the Minutes of the last regular meetings held April 13, 2015 were approved as circulated.

The Vice President explained the rules of procedure.

REZONING PETITIONS:

PC-R-15-09- Petition of Kris Squires Owner JDS Holdings by James Shigley, Owner To rezone .26 acres located on the N side of Gough Ave. approximately 0' NW of the intersection formed by Gough Ave. and Parklane Dr. Boon Twp. from "M-1" Light Industrial to "R-1A" One-Family Dwelling. *Complete legal on file. Advertised in the Standard April 30, 2015.*

Kris Squires was present.

The Vice President called for a staff report.

Mrs. Lacer said we have all return receipts. She said the comprehensive plan shows moderate to high density residential and the existing land use is an unoccupied tool shop. She added that the surrounding zoning and land use of the property to the west and north are zoned R-1A with residences. She said the property to the north and east are zoned CON with one family dwelling's on them. Mrs. Lacer said that the applicant intends to buy this property to live on and a residence is not permitted in an "M-2" zoning. She said this property is not in the flood zone and the driveway comes off of Parklane Drive and Gough Ave. She said the stated use is a one family dwelling and it is in compliance. Mrs. Lacer added that Kris Squires has the Power of Attorney to represent JDS Holdings.

The Vice President asked for any questions from the Board. Being none he asked for any remonstrators for or against the project. Being none he entertained a motion.

Richard Reid made a motion for a positive recommendation for the County Commissioners approval of PC-R-15-09. The motion was seconded by Brad Overton and unanimously continued.

Mrs. Lacer told Mr. Squires that this will go before the County Commissioners on June 8th at 4:00 p.m. in this room and he will be sent a notice.

SUBDIVISIONS FOR PRIMARY PLAT APPROVAL:

PP-15-11- Bellvue Subdivision by CD Real Estate Development Inc. by Donnie Denton, Pres. 56.351 acres located on the W side of Bell Rd approximately 0' S of the intersection formed by Telephone Rd. and Bell Rd. Ohio Twp. *Complete legal on file. Advertised in the Standard April 30, 2015.*

Chad Wagner was present.

The Vice President called for a staff report.

Mrs. Lacer said we have all returned receipts. She said this property is zoned "R-1" One Family Dwelling. She added that a large portion of this property is in the AE flood plain. She said before any Improvement Location Permits can be issued they will have to do certified plot plans to show the house will sit at least 2 feet above the BFE or they will need to obtain a LOMA. She said the Commissioners approved the street plans. She added that the Drainage Board has also approved the drainage plans and they have reduced the legal drain from the 75' from the top of the bank to 40' along the west side of this property. She said its Chandler water and sewer and the proposed development is a 112 lot residential subdivision. She said they have submitted a letter requesting no sidewalks in the subdivision and this must be approved by the Board. Mrs. Lacer said our ordinance required there be sidewalks on both sides of the street and they are requesting none. She said there are minor corrections that need to be made before the final plat is recorded. She said on Bell Road there shall be a north bound left turn lane onto Angel Dr. and a south bound right hand turn lane onto Angel Dr. She said the street plans were approved subject to these changed being made and signed off by the County Engineer. Mrs. Lacer said in everyone's packet you should see the letter requesting no sidewalks from Mr. Denton. Mrs. Lacer read the letter to the Board; copy on file.

The Vice President asked if Chad Wagner had anything to add to the staff report.

Chad Wagner said he had nothing to add but he would be happy to answer any questions.

The Vice President asked for any questions from the Board.

Brad Overton said at the last meeting we had several remonstrators against this project and he was curious to how they worked it out with all of them.

Chad Wagner said that they had a meeting at Chris Combs office on Burkhardt Road. He said there were a dozen and a half people that showed up. He said Mr. Nominee, engineer and himself answered any questions or concerns they had in regards to the drainage and road plans. He said they addressed their questions and were able to ease their mind on several of things. He added that there were a few that showed up for the Drainage Board Meeting and they discussed further but he believes everyone left with a good state of mind.

Brad Overton said that is good that they were able to work this out and it's nice to see people come together and come up with agreements.

The Vice President asked if sidewalks on one side of the road would be possible.

Chris Combs introduced himself and said Donnie Denton and himself are partners in this project. He said yes, we did have a very good meeting with everyone and once they understood what we were doing with the drainage and stuff they felt better about this subdivision. He said as far as the sidewalks go, they just put a new subdivision in Vanderburgh County and they actually asked us not to put them in for County maintenance and other issues they had. He said they do have some great issues with these lots in this subdivision if they have to put sidewalks in. He said it's a significant cost and ideally they were hoping they would get approved to not have to put them in. He said there have been no problems with the subdivision on the North side of Evansville and he is also doing another subdivision in Vanderburgh County that is not required to have them.

The Vice President said his main concern is kids and bus stops and those sorts of things.

Mr. Combs said this has not been a problem with the subdivisions he has built in Vanderburgh.

Jeff Willis asked if they would have to make the roads bigger or if not having them would just give property owners more yard.

Mr. Combs answered that it would just give them more yards. He said we have a standard set back and that's where they would go, he said so everything else stays the same.

Richard Reid added that it just would make more green area.

Mr. Combs said yes and we are spending a tremendous amount of money, especially with the landscaping they are doing. He said we are pretty proud of what we are doing and it will be something Warrick County has never seen. He said he just asks for a little help and that this is an expensive project.

Richard Reid said this isn't a cut throat subdivision and that there will be slow traffic in there any way.

Mr. Combs said they specifically designed it so it would be very friendly, from the stand point of how fast people can be driving through. He said it's not the standard back to back. He said in the plans they have designed it to where there are very few houses that are backed up to each other.

Richard Reid said it looks nice.

Mr. Combs said thank you, a lot of work went into it, so far about 13 months.

Jeff Willis asked if people will be able to park on the side of the street or if it will be driveway parking only.

Mr. Combs said there will be 3 car garage lots and they expect people to use those. He said the only time the roads would be used is when they have a lot of people over for a birthday or something.

Richard Reid said that he believes we should stay competitive with Vanderburgh County. He added that we have been down a little bit on the growth is because Vanderburgh County has gone aggressively with developers to help with cost of building.

Mr. Combs said they have gotten very aggressive. He said he lives and builds in Warrick County. He said he recently purchased all of the lots in Quail Crossing. He said he is trying to be very aggressive in this community as well. He added that he has one lot left in Victoria and Englebrechts. He said himself and Donnie Denton have no other places to go besides high end in Woodfield. He said he built 24 last year and he is trying to keep going because it is good for this area.

The Vice President asked for any remonstrators for or against this project. Being none he asked for any questions from the Board. Being none he said we have to vote on the sidewalk separately as well.

Mrs. Lacer said there needs to be a vote for the waiver of the sidewalks first.

Richard Reid made a motion to approve the waiver of the sidewalks. The motion was seconded by Jeff Willis.

Jeff Valiant, Amanda Mosiman, Bill Byers, and Brad Overton opposed. Therefore the motion did not carry.

Richard Reid asked Mr. Combs if they would go with doing half of the street.

Mr. Combs said yes, if they have to. He said they cannot stop the project at this point.

Richard Reid made a motion for the plat to have sidewalks on one side of the road on each street. The motion was seconded by Jeff Willis.

Jeff Valiant was for the motion. Amanda Mosiman, Bill Byers, and Brad Overton opposed. Therefore the motion did not carry.

Attorney Doll asked for any other motions.

Richard Reid asked Mr. Combs if he had any other ideas.

Mr. Combs said all we can do is ask for your help on this. He said they are investing a huge amount of money on this project.

Richard Reid said he doesn't know how they are going to do it as it is, with the initial land cost.

Mr. Combs said it's very close. He said what people don't realize with the land cost, and everything else. If it wasn't for just the need for doing it, to have a place to build, they wouldn't even do it. He said everything makes it more difficult, and the more costs they have driving the price of the land drops the lot sales and it goes on. He added that Warrick County needs more lots. He said the higher the lot costs go the slower the subdivision goes.

Attorney Doll said the variance has been rejected and now the only issue before the Board is rather to approve the plat subject to all of the standard requirements unless Denton and Combs would want to withdraw this from the meeting and ask that it be continued.

Jeff Willis asked if the sidewalk issue is mainly on the north side.

Chad Wagner said it is mainly on the south side where Angel Drive is. He said that's where the hill is, the most substantial difference from the pad grade to the street in order for them to obtain walk out basements on those lakes.

Discussion ensued amongst the Board, Chris Combs, Donnie Denton, and Chad Wagner about sidewalks.

Sheila Lacer said Jeff Willis's suggestion is to waive sidewalks on the south part of Angel Drive between lots 1 and 11. She said also on the island around lots 99-102 and on the island touching Chadwick Drive lots 103-112. She said there will be sidewalks on both sides of Crenshaw Drive and this is also highlighted in yellow on the office staff copy.

Jeff Willis made a motion to approve this. The motion was seconded by Bill Byers and unanimously carried.

Richard Reid made a motion to approve PP-15-11. The motion was seconded by Amanda Mosiman and unanimously carried.

PP-15-12 Nicholson Estates by Rodney & Angela Nicholson, Owner 38.14 acres located on the S side of Hills Rd. approximately 1750' E of the intersection formed by Hills Rd and

Yankeetown Rd. Anderson Twp. *Complete legal on file. Advertised in the Standard April 30, 2015.*

Bill Bivins, Engineer and Rodney Nicholson were present.

The Vice President called for a staff report.

Mrs. Lacer said we are missing 6 return receipts but we do have all white pay receipts showing they were mailed before the 21 day mailing deadline. She said the zoning of this property is "A" Agriculture, "CON" Conservancy and Recreation, and "R-MH" Mobile Home Park District. She said there is no flood plain. Mrs. Lacer said the Commissioners approved no improvements to Hills Road and the Drainage Board ruled no drainage plans were required. She said that Aaron Franz signed off on the plat stating lot one has an existing system. She added that the water is Indiana American. She said part of this subdivision includes lots of Turner Mobile Home Sub. She added that there are unimproved ROW and easements that will still be there unless they are vacated. She said the purpose of this subdivision is to combine the owner's parcels into one piece and there is an existing home on this property. Mrs. Lacer said the plat is in order and Mr. Bivins did approach us before the meeting and said that Mr. Nicholson would like to change the name of the subdivision. She said it was advertised as Nicholson Estates and he would like to change it to Nicholson Hills.

The Vice President asked if Mr. Bivins or Mr. Nicholson had anything to add, being none he asked if there were any questions from the Board.

Amanda Mosiman asked why only part of lot 10 was being taken.

Bill Bivins said that the state took some of lot 10.

Being no other questions the Vice President called for a motion.

Richard Reid made a motion to approve PP-15-12 and to change the name to Nicholson Hills. The motion was seconded by Brad Overton and unanimously carried.

OTHER BUSINESS:

Formal Complaint: Thomas Key, 1311 & 1333 Lovers Lane. Alleged junk/salvage yard/public nuisance in an "R-1A" Single Family Dwelling zoning district. Cease and desist letter sent April 13, 2015.

The Vice President called for a staff report.

Mrs. Lacer said there have been several complaints filed in March and April of this year stating there was a "junk yard – trash in yard-public nuisance in an "R-1A" Single Family zoning." She said the Inspector went to the property on April 13th and took photos. She said he reported the, "house is caving in on itself and needs to be torn down and the yard is a mess with trash, lawn mowers and junk all over". A cease and desist letter was sent via certified and regular mail to Mr. Key. She said he has not picked up the certified letter and we have had no communication with him. She said the letter informed him to be present at this

meeting and that the property would be re-inspected within a week of the meeting. She said the Inspector visited the site again on May 5th and reported no change.

Brad Overton made a motion to give him 30 days and if that doesn't work then move with legal proceedings due to him not showing up tonight. He added that the road does look a lot better than it has in the last forty years and we should keep straitening it up.

Jeff Willis asked why there are two addresses.

Mrs. Lacer replied that there are two pieces of property, 1311 and 1333.

Attorney Doll said he can't be living there.

Mrs. Lacer said he is not living there; he lives in Evansville.

Attorney Doll asked if this is his lawful mailing address.

Mrs. Lacer answered, apparently because this is where his taxes are sent.

Richard Reid asked if he could be given a chance to be with the distress property program.

Mrs. Lacer said she believes that is where it started. She said Mark Hendrickson wanted to get that. She said she thinks Boonville approached him and they thought he was receptive and he told them he would get back in contact with them and he has not. She said this is the alternative.

Richard Reid asked that Attorney Doll would add the program for him to tear down his house as an option in the letter.

The Vice President said yes, Brad Overton made a motion.

Richard Reid seconded this motion.

Attorney Doll said he will send a new letter stating that he needs to have the property cleaned within 30 days and if he does not then he will be sent to court.

Jeff Willis asked if we are going to offer him to sign up for the program.

Attorney Doll said yes and there is a deadline on the program so if he signs up then he will be given the time they give him through the program.

Richard Reid said the yard will have to stay mowed as well.

The Vice President said the motion was made by Brad Overton and seconded by Richard Reid. The motion was unanimously carried.

ATTORNEY BUSINESS: Attorney Doll said there is none, just waiting for the court order on Wolf.

EXECUTIVE DIRECTOR BUSINESS: None.

Richard Reid asked about the status on the winery.

Attorney Doll said Sherri was looking at some things but he has not seen anything from her.

The Vice President asked to entertain a motion to adjourn the meeting.

Upon a motion by Brad Overton and seconded by Richard Reid the meeting was adjourned at 6:35 pm.

Guy Gentry, President

ATTEST:

Sheila Lacer, Assistant Director